

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 SY-05 CIAE-00 DODE-00 PM-04 H-02

INR-07 L-03 NSAE-00 NSC-05 PA-02 PRS-01 SP-02

SS-15 USIA-15 IO-14 ACDA-10 /098 W

-----027738 211751Z /44

R 211342Z JUN 77

FM AMEMBASSY BERN

TO SECSTATE WASHDC 4522

INFO AMEMBASSY BONN

AMEMBASSY BRUSSELS

AMEMBASSY PARIS

AMEMBASSY MOSCOW

USMISSION NATO BRUSSELS

UNCLAS BERN 2812

EO 11652: NA

TAGS: PINR SZ UR

SUBJ: JEANMAIRE TRIAL

REF: BERN 1244

1. SUMMARY: SWISS BRIGADIER GENERAL JEANMAIRE HAS BEEN TRIED AND CONVICTED OF TREASON FOR PASSING MILITARY SECRETS TO SOVIETS. SENTENCE OF 18 YEARS WAS 6 YEARS MORE THAN PROSECUTION ASKED BUT TWO YEARS SHORT OF MAXIMUM POSSIBLE UNDER MILITARY PENAL CODE. JEANMAIRE REPORTEDLY ADMITTED HIS ILLEGAL ACTS. HE CLAIMED HE HAD NOT ACTED FROM IDEOLOGICAL OR PECUNIARY MOTIVES, BUT RATHER COMMITTED MISTAKE AS RESULT OF PRIDE AND FRUSTRATION. MRS JEANMAIRE WAS ACQUITTED OF COMPLICITY IN AFFAIR AND BOTH WERE ACQUITTED OF CHARGES OF ACCEPTING BRIBES. JEANMAIRE IS APPEALING THE DECISION WHICH IS EXPECTED TO BE REVIEWED IN FALL 1977. END SUMMARY.

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2. MILITARY COURT JUN 17 FOUND GEN JEAN-LUIS JEANMAIRE GUILTY OF TREASON AND SENTENCED HIM TO 18 YEARS PRISON, 6 YEARS MORE THAN PROSECUTION HAD ASKED. MRS JEANMAIRE, WHO WAS ALSO ON TRIAL, WAS ACQUITTED OF COMPLICITY IN THE AFFAIR. COURT SAID JEANMAIRE HAD COMMITTED SUCCESSIVE VIOLATIONS OF SECRETS AND MILITARY ORDERS CONCERNING NATIONAL

DEFENSE BY HAVING PASSED TO VARIOUS SOVIET MILITARY ATTACHES FROM 1962 TO 1975 NUMEROUS DOCUMENTS RANGING FROM UNCLAS TO CONFIDENTIAL AND SECRET. THESE DOCUMENTS RELATED TO JEANMAIRE'S OWN AIR DEFENSE GROUP AND ALSO PROVIDED INFO ON OVERALL NATIONAL DEFENSE ZONES AND GENERAL MOBILIZATION PLANS. TRIAL WAS HELD IN CLOSED SESSION AND FULL DETAILS ON CONTENTS OF DOCUMENTS ALLEGEDLY PASSED TO SOVIETS HAVE NOT BEEN PUBLISHED.

3. ARTICLE 86 OF MILITARY PENAL CODE, CONCERNING VIOLATION OF NATIONAL DEFENSE SECRETS, CARRIES MAXIMUM PENALTY OF 20 YEARS PRISON. COURT REPORTEDLY DID NOT GIVE MAXIMUM PENALTY TO JEANMAIRE IN VIEW OF HIS PAST SERVICE, HIS POSITIVE FEELINGS TOWARD HIS COUNTRY, ABSENCE OF PECUNIARY MOTIVATION AND HIS AGE (67). HIS LAWYER FILED APPEAL JUN 20. MILITARY APPEALS COURT IS EXPECTED TO REVIEW DECISION IN FALL 1977. UNDER MILITARY CODE, APPEAL COURT MAY RULE ONLY ON WHETHER LAW WAS CORRECTLY APPLIED BY LOWER COURT. FEDERAL COUNCIL HAS SOLE AUTHORITY TO PARDON OR REDUCE PENALTY. BRIEF MILITARY DEPT COMMUNIQUE REPORTED THAT FEDERAL COUNCILOR GNAEGI SAID MERELY THAT JUDGMENT WAS BASED ON ESTABLISHED PROOFS REVIEWED BY COMPETENT COURT.

4. JEANMAIRE AND HIS WIFE WERE ACQUITTED OF CHARGES OF PASSIVE CORRUPTION (HAVING ACCEPTED BRIBES). JEANMAIRE SAID HE REFUSED MONEY FROM SOVIETS. DEFENSE COUNSEL HAD ARGUED THAT MILITARY UNCLASSIFIED

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PENAL CODE STATUTE OF LIMITATIONS HAD RUN OUT ON ACTIVITIES BEFORE 1965. THIS WOULD HAVE PRECLUDED CONSIDERATION OF JEANMAIRE'S ACTIVITIES WITH SOVIET MILITARY ATTACHE VASSILI DENISSENKO, FROM WHOM HE AND HIS WIFE HAD RECEIVED NEARLY SF 2,300 IN JEWELRY, TELEVISION SET AND BOTTLES OF VODKA. HOWEVER, COURT HELD THAT HIS ILLEGAL ACTIVITIES CONSTITUTED UNBROKEN CHAIN AND THAT HE HAD SHOWN NO INTENT OF ENDING THIS ACTIVITY.

5. COURT APPARENTLY ACCEPTED DEFENSE PLEA THAT JEANMAIRE HAD NOT ACTED OUT OF IDEOLOGICAL OR PECUNIARY MOTIVES BUT WAS VICTIM OF WEAK CHARACTER, VANITY, PRIDE AND LACKED COURAGE TO EXTRICATE HIMSELF FROM CRIMINAL ACTIVITY. JEANMAIRE REPORTEDLY ADMITTED TO THE COURT IN CLOSED SESSION THAT HE ORIGINALLY PASSED SECRETS TO SOVIETS TO PROVE AUTHENTICITY OF SWISS NEUTRALITY AND CREDIBILITY OF SWISS ARMY. JEANMAIRE FIRST PASSED DOCUMENTS TO SOVIET MILITARY ATTACHE VASSILI DENISSENKO WHOM HE MET IN 1959. JEANMAIRE MAINTAINED CONTACTS WITH SUBSEQUENT SOVIET ATTACHES VICTOR ISSAEV AND VLADIMIR STREL VITZKI. JEANMAIRE SAID HE WAS CAUGHT UP IN MESH OF EVENTS AND LIVED IN PERPETUAL FEAR OF SCANDAL BUT NOW FELT MORALLY RELIEVED.

6. JEANMAIRE REPORTEDLY DECLINED TO PLEAD INNOCENCE. SWISS NEWSPAPERS RECENTLY PUBLISHED REPORT FROM SOVIET PRESS THAT DENISSENKO SAID HE HAD NOT RECEIVED DOCUMENTS FROM JEANMAIRE. JEANMAIRE ALSO SAID THAT HE HAD ONCE REFUSED TO ACCEPT MONEY FROM DENISSENKO.

7. SEVERAL PRESS REPORTS HAVE COMMENTED THAT JEANMAIRE CONVICTION ALSO CONDEMNS SWISS SYSTEM OF MILITARY PROMOTIONS. HOWEVER, JUN 20 JOURNAL DE GENEVE EDITORIAL STATED THAT JEANMAIRE AFFAIR SHOULD BE TAKEN IN BROAD PERSPECTIVE. JOURNAL NOTED THAT JEANMAIRE WAS NOT RAPIDLY PROMOTED BUT EVIDENTLY SPENT LONG YEARS OF FRUSTRATION AWAITING RECOGNITION HE FELT WAS HIS DUE. JOURNAL STRESSED THAT ALTHOUGH SURVEILLANCE UNCLASSIFIED

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OF THOSE WHO CARRY STATE SECRETS IS SUPERFICIAL, SWISS DEMOCRATIC SYSTEM PREFERS TO RELY ON SENSE OF DUTY BY THOSE ENTRUSTED WITH RESPONSIBILITY RATHER THAN CREATE OVERBURDENING SYSTEM OF POLICE SURVEILLANCE. JOURNAL BELIEVES JEANMAIRE CASE SHOULD BE TAKEN AS ISOLATED CASE AND CAUTIONS AGAINST QUESTIONING ALL SWISS INSTITUTIONS EVERY TIME INCIDENT OCCURS.

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
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Enclosure: n/a
Executive Order: N/A
Errors: N/A
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Format: TEL
From: BERN
Handling Restrictions: n/a
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Legacy Key: link1977/newtext/t19770637/aaaabgbr.tel
Line Count: 144
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Litigation History:
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Office: ACTION EUR
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Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
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Previous Handling Restrictions: n/a
Reference: 77 BERN 1244
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Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2087411
Secure: OPEN
Status: NATIVE
Subject: JEANMAIRE TRIAL
TAGS: PINR, SZ, UR, (JEANMAIRE, JEAN-LOUIS)
To: STATE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/e85b6479-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009